

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

*

ROLANDA BUCKSON,

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Plaintiff

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v.

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CIVIL NO. JKB-14-2160

MVM, INC.,

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Defendant

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MEMORANDUM

This case involves Plaintiff Rolanda Buckson's claim that Defendant MVM, Inc., did not pay her minimum wage or overtime wages in accordance with the Fair Labor Standards Act, ("FLSA"), 29 U.S.C. §§ 201-219, the Maryland Wage and Hour Law ("MWHL"), Md. Code Ann., Lab. & Empl. §§ 3-401—3-431 (LexisNexis 2008 & Supp. 2013), and the Maryland Wage Payment and Collection Law ("MWPCL"), Md. Code Ann., Lab. & Empl. § 3-501 *et seq.* (Compl., ECF No. 1.) Her complaint includes allegations in support of a collective action and a class action. MVM filed a motion to dismiss the complaint (ECF No. 7), but this was mooted by Buckson's filing of an amended complaint (ECF No. 11).

On the day that MVM's response to the amended complaint was due, MVM filed a notice of Buckson's acceptance of MVM's offer of judgment pursuant to Federal Rule of Civil Procedure 68 and requested that the Court enter the judgment agreed to by the parties. (ECF No. 15.) Shortly thereafter, and on the same day, MVM filed a motion to dismiss Buckson's amended complaint with prejudice based on MVM's argument that MVM's offer mooted Buckson's case. (ECF Nos. 16 & 17.)

Although MVM's motion presents an interesting issue were the Court faced with an unaccepted offer of judgment, no logical reason exists to grant the motion to dismiss with prejudice given that the Court is about to enter a consent judgment in Buckson's favor against MVM. The judgment will dispose of the entire case including the collective and class action allegations, which never ripened into being; Buckson is the only plaintiff in this action. Nothing will be left to dismiss. *See Genesis Healthcare Corp. v. Symczyk*, 133 S. Ct. 1523, 1529 (2013) (FLSA suit never designated by district court as collective action before offer of judgment was made; offer to lone plaintiff mooted collective action aspects).

Accordingly, it is hereby ORDERED that MVM's motion to dismiss the original complaint (ECF No. 7) is MOOT and that MVM's motion to dismiss the amended complaint with prejudice (ECF No. 16) is MOOT. A separate judgment will enter.

DATED this 30th day of October, 2014.

BY THE COURT:

/s/
James K. Bredar
United States District Judge